STUDENT CODE OF CONDUCT HANDBOOK 2011-2012

A student's guide to expected behaviors in Memphis City Schools

Inspiring Excellence

for all students

Memphis City Schools Board of Commissioners
Vision, Mission, & Strategic Goals

Vision

Memphis City Schools will be an internationally competitive urban school system that produces well-rounded, high achieving students.

Mission

Academic Achievement: #1

Strategic Goals

Student Achievement

Accelerate the academic performance of all students.

Accountability

Establish a holistic accountability system that evaluates the academic, operational and fiscal performance of the school district.

Parent and Community Involvement

Build and strengthen family and community partnerships to support the academic and character development of all students.

Healthy Youth Development

Create a school community that promotes student leadership and healthy youth development.

Safety

Maintain a positive, safe and respectful environment for all students and staff.

Diversity

Create a school community that is sensitive and responsive to the needs of an increasingly diverse population.

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Ubuntu is very difficult to render into a Western language. It speaks of the very essence of being human. When we want to give high praise to someone we say, … "Hey, so-and-so has ubuntu." Then you are generous, you are hospitable, you are friendly and caring and compassionate. You share what you have. It is to say, "My humanity is caught up, is inextricably bound up, in yours." We belong in a bundle of life. We say, "A person is a person through other persons." It is not "I think, therefore I am." It says rather, "I am human because I belong. I participate. I share."

Think about it …

- Desmond Tutu,
Contemporary South African Bishop
and Human Rights Leader

Think about it …

You have brains in your head.
You have feet in your shoes.
You can steer yourself
Any direction you choose.

You're on your own
And you know what you know.
And YOU are the one
Who'll decide where to go.

—Dr. Seuss, Oh, The Places You'll Go!






Guide yourself in the right direction

One of the great things about living in the United States is that you have the right to a free public education. Getting a good education is important to getting a good job as an adult and living a happy, successful life.

Memphis City Schools has the responsibility of providing the education you need. The school district, working with the school staff and your parent/guardian, must give you the opportunity to learn in a school environment that is safe, orderly, and focused on learning.

One of the keys to a good learning environment is discipline, and the most effective discipline is self-discipline. You are the person most in control of your work habits and behavior. In the wise words of Dr. Seuss, "You can steer yourself any direction you choose."

A school is a community of learners, and all the students in the community must work together to create a good school. Exercising self-control and respecting the rights of others can help make you a good citizen of your school, your community and the world.



Student Rights and Responsibilities

As a student in a public school, you have certain rights given to you by federal and state laws and Board of Education policies.

In return, certain things are expected of you. These are your responsibilities as a student.

As a Memphis City Schools student, you have the right:

- ✓ To a free education in a learning environment appropriate for your needs
- ✓ To expect that the school you attend will be a safe place
- ✓ To attend classes in an environment that encourages and enables you to learn
- ✓ To expect that you will not be discriminated against
- ✓ To be certain that you and your belongings will not be searched or taken away without a reason
- ✓ To be told about all school rules and regulations

As a Memphis City Schools student, you have the responsibility:

- ✓ To do your part to create a positive environment at your school by working toward academic excellence, striving for perfect attendance, and participating in school activities
- ✓ To respect the dignity and worth of your fellow students, teachers and school staff
- ✓ To study and reach the highest level of academic achievement you can reach
- ✓ To know and follow the rules and regulations of Memphis City Schools
- ✓ To respect the authority of teachers, school administrators and other authorized personnel in maintaining discipline
- ✓ To behave in a way that does not disrupt the educational process or lead to physical or emotional harm

7 Ways You Can Help Create A Good School Climate

- Get involved in school activities
- Get to know as many students as you can
- Reach out to students who seem left out
- Don't tolerate bullying. Stand up for kids who are bullied by others
- Treat everyone with respect
- Obey school rules
- Respect school property

Part I

The Student Code of Conduct:
A Guide To Behavioral and Disciplinary Options

Memphis City Schools (MCS) celebrates and rewards respectful, responsible behavior in its schools. The district believes that when students are aware of what is expected of them and the consequences of misbehavior are made clear, then the great majority of Memphis City Schools students will choose to act appropriately.

However, when a student fails to meet expected standards of behavior, the student will be held accountable for his or her behavior. The MCS Student Code of Conduct enables a student to learn about expectations for good behavior and the intervention and disciplinary actions that may be taken following misbehavior.

The examples of offenses listed in the Code of Conduct are not the only acts that may result in disciplinary action. Any act that disrupts learning and threatens the order and safety of students and the school environment will be considered for disciplinary action.

Greater detail on MCS policies, rules and regulations that set standards for student behavior is available on the Memphis City Schools Web site (www.mcsk12.net). A listing of MCS policies on student behavior is included on page 33 of this handbook.

When the Code of Conduct Applies

The Student Code of Conduct applies to all Memphis City Schools students at all times whenever a student's conduct is reasonably related to school or school activities. This includes:

- On school grounds before, during, and after school hours
- At any other time when the school is being used by a school group
- Off school grounds at a school activity, function, or event
- Traveling to or from school, a school activity, or a school-related function
- Whenever a Memphis City Schools student is in a capacity representing his or her school
- On a school bus, a school-sponsored vehicle, or a MATA bus when traveling to and from school

"We are members of one another, so that you cannot injure or help your neighbor without injuring or helping yourself."

-George Bernard Shaw

Levels of Offenses

MCS has arranged the Student Code of Conduct based on the seriousness of the offense. Level 1 offenses are the least serious offenses and Level 5 offenses are the most serious offenses.

For an explanation of many of the terms used in this description of offenses, see the Glossary on page 34.

Level 1 Offenses

- ✓ Excessive **excused** tardies to school/early releases (excluding medically documented and school-sponsored events)
- ✓ Excessive **unexcused** tardies to school or early releases (more than 3 times)
- ✓ Unexcused/excused tardies to class (more than 3 times) or class cutting (see Attendance Regulations, page 22)
- ✓ Class cutting (see Attendance Regulations, page 22)
- ✓ Possession of cellular phones
- ✓ Possession of objects such as laser pointers (non-use)
- ✓ Failure to wear district-adopted school uniform or violation of the school's dress code
- ✓ Failure to wear membership badges (applicable only to middle and high school students)
- ✓ Misconduct: Level 1 (other Level 1 incidents not specifically listed, such as running in the hall or throwing a pencil)

Intervention Strategies and Disciplinary Measures for Level 1 Offenses:

- classroom and school-wide intervention strategies and/or
- confiscation of item and/or loss of privileges. Confiscated items (e. g., cell phones) are returned within 72 hours to the parent during a conference unless the district extends the return time because the cell phone contents may be evidence of violation of law or policy, or
- detention/Saturday school or
- in-school suspension or
- overnight suspension/parent or guardian conference in lieu of suspension



Level 2 Offenses

- ✓ Continuing to engage in the same Level 1 offenses
- ✓ Leaving campus without permission
- ✓ Defiance of school personnel's authority, disrespect, insubordination, or refusing punishment
- ✓ Gambling
- ✓ Obscene, immoral, indecent and/or offensive materials/behaviors/actions
- ✓ Profanity, provocative and/or abusive language directed at a student
- ✓ Theft ($500 or less)
- ✓ Possession/use of matches, lighters, or fireworks
- ✓ Unauthorized parking/reckless driving on or near campus
- ✓ False reporting (e.g., accusations against a student, fire alarm, false ID)
- ✓ Failure to present/surrender membership badges (applicably only to middle and high school students)*
- ✓ Misuse, intentional damage, or theft of membership badges (applicable only to middle and high school students) *
- ✓ Cheating/plagiarism or forgery
- ✓ Posting/distributing unauthorized materials
- ✓ Possession/use of tobacco product (student must be issued a citation)
- ✓ Possession/use of over-the-counter medications (e.g., aspirin, cough medicine) without school approval (See Policy # 6.405 Medicines)
- ✓ Misconduct: Level 2 (other Level 2 incidents not specifically listed, such as: shoving a student in line—no injury, throwing a football in the hall—no injury, or misuse of locker/storage privileges)

Intervention Strategies and Disciplinary Measures for

Level 2 Offenses:

- classroom and school-wide intervention strategies and/or
- confiscation of item and/or loss of privileges. Confiscated items (e.g., cell phones) are returned within 72 hours to the parent during a conference unless the district extends the return time because the cell phone contents may be evidence of violation of law or policy, or
- detention/Saturday school or
- in-school suspension or
- overnight suspension/ parent or guardian conference in lieu of suspension or
- 1-3 day suspension (Sessions that focus on ending the student's negative behavior may replace suspension.)

* A Level 2 disposition is the sole disciplinary measure for this offense.

Level 3 Offenses

- ✓ Continuing to engage in the same Level 2 offenses
- ✓ Trespassing or loitering
- ✓ Fighting (minor injury and non-gang related)
- ✓ Unauthorized or inappropriate use of the internet, computers, or computer software
- ✓ Potentially dangerous activity (other Level 3 incidents not specifically listed, such as: throwing a chair, a food fight, or participation in activities related to non-school sponsored/non-sanctioned organizations)

Intervention Strategies and Disciplinary Measures for

Level 3 Offenses:

- school-wide and district-wide intervention strategies and/or
- confiscation of item and/or loss of privileges. Confiscated items (e.g., cell phones) are returned within 72 hours to the parent during a conference unless the district extends the return time because the cell phone contents may be evidence of violation of law or policy, or
- detention/Saturday school or
- in-school suspension or
- overnight suspension/parent or guardian conference in lieu of suspension or
- 1-5 day suspension



"Luck is a matter of preparation meeting opportunity."

-Oprah Winfrey, Talk Show Host

Level 4 Offenses

- ✓ Continuing to engage in the same Level 3 offenses
- ✓ Arson
- ✓ Burglary, theft over $500, or motor vehicle theft
- ✓ Vandalism/graffiti
- ✓ Possession of drug paraphernalia
- ✓ Under the influence of an unauthorized substance at school (no actual possession or use at school) – Mandatory referral to Alcohol and Drug Counseling (A & D)
- ✓ Possession of electronic pagers or beepers (excluding cell phones)
- ✓ Possession/use of alcohol
- ✓ Assault against a student (resulting in minor injury)
- ✓ Threats against a student (non serious)
- ✓ Profanity, provocative and/or abusive language directed at school personnel
- ✓ Discrimination based on sex, race, religion, ethnicity, national origin, disability or sexual orientation
- ✓ Sexual harassment, including distributing sexually explicit, nude, or partially nude images/videos of self, peers, and/or faculty through phones, the Internet, or other electronic methods
- ✓ Bullying, intimidation and harassment, including actions occurring through phones, the Internet, or other electronic methods
- ✓ Viewing, sending, forwarding through cellular telephones or other electronic media sexually explicit, nude, or partially nude photographs/images/videos while at school, a district facility, or a school event.
- ✓ Extortion
- ✓ Distribution of over-the-counter medications (e.g., aspirin, cough medicine) – See Policy 6.405 Medicines
- ✓ Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to person or property or disrupts the educational process

Intervention Strategies and Disciplinary Measures for

Level 4 Offenses:

- school-wide and district-wide strategies (adjustment transfer and remand/alternative placement) and/or
- generally, 3-5 day suspension for cases involving elementary students or
- generally, 5-10 day suspension or expulsion for cases involving middle and high school students

Level 4 Offenses

- ✓ Disruptive behavior and potentially dangerous activity (other Level 4 incidents not specifically listed, such as: disruptive behavior with prior unsuccessful interventions, refusal to produce object identified by metal detectors, or hazing/initiation: non-school sponsored/non-sanctioned organizations, societies, clubs, or teams)
- ✓ Level 4 activities implying gang affiliation/membership - mandatory referral to Gang Prevention Counseling (Specific activities are listed below)

 Level 4 activities implying gang affiliation/membership include gestures, signals, literature, colors, drawings, signs, jewelry, apparel, manner of grooming, writings, gang graffiti, verbal or nonverbal communication. Before this disciplinary action is applied each instance shall be reviewed on a case-by-case basis to consider the students age, level of involvement, and intent.
- ✓ Making a threat, including a false report, to use a bomb, dynamite, or any other deadly explosive or destructive device including chemical weapons on school property or at a school sponsored event

Intervention Strategies and Disciplinary Measures for

Level 4 Offenses:

- school-wide and district-wide strategies (adjustment transfer and remand/alternative placement) and/or
- generally, 3-5 day suspension for cases involving elementary students or
- generally, 5-10 day suspension or expulsion for cases involving middle and high school students



"I feel the capacity to care is the thing which gives life its deepest significance."

- Pablo Casals, Spanish Cellist and Conductor

Level 5 Board Mandated Offenses (11-180 Day Expulsion)

- ✓ Continuing to engage in the same Level 4 offenses
- ✓ Fighting (serious injury or weapon used)
- ✓ Aggravated assault against students (resulting in serious injury)
- ✓ Assault against designated visitors
- ✓ Possession of dangerous weapons, including a bowie knife, hawk bill knife, ice pick, dagger, a switchblade, or a weapon of like kind
- ✓ False imprisonment or kidnapping
- ✓ Sexual battery
- ✓ Serious threats against students
- ✓ Threats (serious and nonserious), or false accusations against school personnel
- ✓ Level 5 activities implying gang affiliation/membership - mandatory referral to Gang Prevention Counseling (Specific activities are listed below)

 Level 5 activities implying gang affiliation/membership include gang fights, participating in gang recruitment, solicitation, or hazing/initiation activies, coordinating/ordering gang activities at school, gang-related threats, intimidation, extortion, possessing/distributing gang information, or acts that imply gang affiliation/membership. Before this disciplinary action is applied, especially to elementary students, each instance shall be reviewed on a case-by-case basis to consider the students age, level of involvement, and intent.
- ✓ Other major incidents and behaviors which have high potential for causing serious injury and/or death (e.g., throwing bricks at an occupied school bus)

Intervention Strategies and Disciplinary Measures for

Level 5 Board Mandated Offenses:

- school-wide and district-wide strategies (adjustment transfer and remand/alternative placement)
- expulsion (11-180 days)



Level 5 State Mandated Zero Tolerance Offenses (One Calendar Year Expulsion)

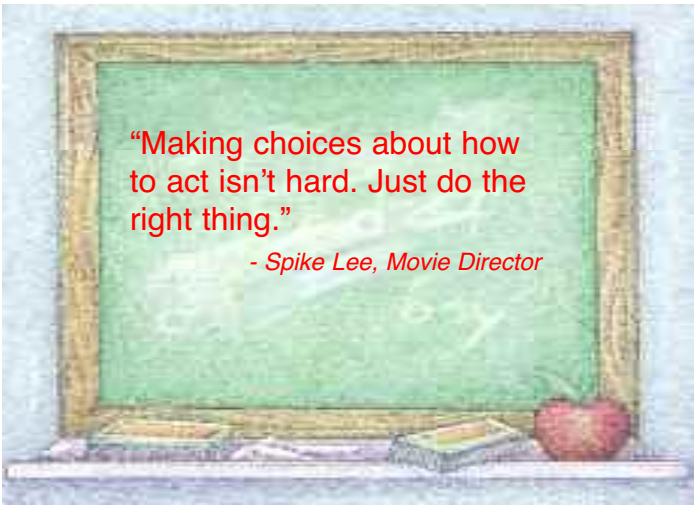
- ✓ Assault (injury or extremely offensive or provocative physical contact)/aggravated assault (serious injury against school personnel)
- ✓ Possession/sale/distribution of illegal drugs or unauthorized prescription drugs
- ✓ Possession/concealment/use/sale/ distribution of explosive devices and firearms (assembled or unassembled parts), except toy guns – real/look-alike

Zero Tolerance offenses are specific acts committed by students that require mandatory expulsion for one calendar year under Tennessee law.

Intervention Strategies and Disciplinary Measures for

Level 5 Zero Tolerance Offenses:

- school-wide and district-wide strategies (adjustment transfer and remand/alternative placement)
- mandatory one calendar year expulsion for state-mandated zero-tolerance offenses. The Superintendent may modify the mandatory one calendar year expulsion on a case-by-case basis.



Part II

Behavioral/Intervention Strategies and Disciplinary Options

A number of behavioral/intervention strategies and disciplinary options are available when teachers, principals, and school administrators must impose consequences for student misbehavior. The range of options begins with classroom intervention strategies and progresses to the most severe disciplinary option, expulsion from school, which is reserved for major offenses. Behavioral/intervention strategies and disciplinary options may also be used together when needed.

Below are explanations of the behavioral/intervention strategies and disciplinary options used in Memphis City Schools.

Behavioral/Intervention Strategies include:

- ✓ Classroom Intervention Strategies
- ✓ School-Wide Intervention Strategies
- ✓ District-Wide Intervention Strategies
- ✓ Adjustment Transfer
- ✓ Alternative School Placement

Disciplinary Options include:

- ✓ Confiscation of Items
- ✓ Loss of Privileges
- ✓ Detention/Saturday School
- ✓ In-School Suspension
- ✓ Suspension from the School/MATA bus
- ✓ Suspension, 1 to 10 days
- ✓ Expulsion

A. Behavioral/Intervention Strategies

When circumstances allow, school personnel will use intervention measures that help prevent or reduce negative behaviors. An intervention strategy is an action designed to help a student with academic and behavioral problems find positive ways to address and improve his or her learning. In addition to using prevention and intervention strategies, school personnel support positive behaviors in students by teaching, modeling, encouraging, and rewarding students who behave appropriately at school.

▲ Classroom Intervention Strategies

Behavioral intervention strategies at the classroom level may be implemented by classroom teachers or school principals for minor offenses or for first-time offenses.

- Classroom Intervention Strategies are appropriate for Level 1 and Level 2 offenses.
- Examples of Classroom Intervention Strategies are a verbal or written warning, seating change, in-class time out, a letter of apology, and referral to a guidance counselor or school administrator.

▲ School-Wide Intervention Strategies

School-wide interventions are responses for more serious offenses in or outside the classroom that have an impact beyond one classroom. The choice of a strategy by the principal will depend on the severity of the offense.

- School-wide Intervention Strategies are appropriate for all levels of offenses, 1-5.
- Examples of strategies for minor school-wide offenses include requiring that the student sign a behavioral contract and assigning the student to conflict resolution training, peer mediation, and/or anger management training.
- Examples of strategies for more severe school-wide offenses are in-school suspension, assignment to a school-level alternative program or class, and a mentoring program).

▲ District-Wide Intervention Strategies

District-wide strategies may be imposed by the appropriate executive level administrators or their designees when school-wide intervention strategies have been ineffective or an offense calls for district-level services that support appropriate behavior.

- District-wide Intervention Strategies are appropriate for Level 4 and Level 5 offenses, and for selected Level 3 offenses.
- Examples of strategies include requiring students to attend classes dealing with such topics as violence, gangs, weapons, harassment, or bullying; and assignment to an alternative program.

▲ Adjustment Transfer

As a result of certain behavioral situations, a student may be assigned to a school other than his or her home school for a period of time.

- Adjustment transfers usually are limited to situations in which personal safety is an issue or when a student has received multiple suspensions.
- Adjustment transfers are most often applied when Level 4 and Level 5 offenses have occurred.

▲ Alternative School Placement

The district has established Alternative Schools to serve students who have significant conduct problems and/or have been expelled. Students are considered for admission to an alternative school or alternative education programs based on such factors as:

- Age
- Seriousness of the offense
- History of aggressive and/or violent behavior
- Available space

As a behavioral and disciplinary option, placement in an alternative school occurs most often in connection with Level 4 and Level 5 offenses.

B. Disciplinary Options

Disciplinary options that punish behavior are used when prevention and intervention strategies alone have been ineffective, or when the nature of the misconduct calls for more severe discipline.

▲ Confiscation of Items

A student may be required to surrender items prohibited at school and/or relevant to his or her misconduct. Confiscated items include beepers, telephone pagers, laser pointers, and cellular phones. Confiscated items will be returned to the student's parent/guardian within 72 hours during a conference with a teacher or administrator unless the district exentds the return time because the cell phone contents may be evidence or violation of law or policy. The district does not take responsibility for confiscated items and will not compensate the owner for any confiscated items lost, stolen, or damanged while in the custody of the district.

- Applies to offenses at Levels 1, 2 and 3.

▲ Loss of Privileges

As a result of misbehavior, a student may lose privileges, including, but not limited to, the following:

- Loss of classroom privileges
- Loss of parking privileges
- Loss of extra-curricular, athletic, or other school-wide privileges
- Activities restricted by the school principal

▲ Detention/Saturday School

A student may be required to come early or stay after school, or to attend Saturday school as a disciplinary action. A student assigned to detention or Saturday school will be given at least one day's notice, and the student's parent/guardian will be informed before the detention or Saturday school takes place.

Students with religious exemptions to Saturday school shall be provided with an alternative disciplinary option.

▲ In-School Suspension

This disciplinary option requires a student to leave his or her class and complete academic requirements in another location at the school while on suspension.

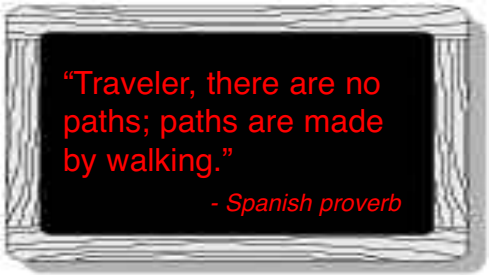
- In-School Suspension includes lessons in behavior management designed to help a student gain skills that will lead him or her to make better choices.
- The student retains the opportunity to complete his or her regular classroom assignments in an isolated environment.

▲ Suspension From the School/MATA Bus

The school bus and MATA transportation provided by the district is an extension of school activity, and the same rules that apply on school grounds also apply on the bus.

- A student may be denied the privilege of riding the bus* if the principal determines that the student's behavior is causing disruption on the bus, or if the student disobeys the rules and regulations that apply to student behavior.
- Video cameras may be used to monitor student behavior on school vehicles transporting MCS students to and from school or extra-curricular activities. Video surveillance will be used only to promote order and the safety and security of Memphis City Schools students, staff, and property.

* Except when the law provides otherwise. Also, a student receiving special education services should not be suspended from school/MATA bus transportation if transportation services are required under the student's Individual Education Plan (IEP).



▲ Suspension, 1 to 10 Days

Because Memphis City Schools wants to minimize the amount of valuable learning time missed by students who are disciplined, suspension from school will be used only in appropriate cases and not for minor violations.

A student may be suspended by the school principal up to 10 consecutive days. The length of the suspension will be determined by:

- The specific offense and its seriousness
- The age and grade level of the student involved
- The student's history of misbehavior

Students who are suspended may not come to the school or on the school grounds, and the student may not participate in school-sponsored activities.

All suspensions must be accompanied by notice to the student's parent/guardian. A conference between the school principal and the student's parent/guardian is required as part of the suspension process.

In cases when a student is suspended for 1-3 days, the principal may elect to replace the suspension with sessions focusing on ending the negative behavior. For students who receive a suspension of six (6) days or more, and for students who accumulate more than five (5) days of suspensions during one (1) school year, a Student Behavior Intervention Plan will be developed.

- Suspensions of 0-3 days are usually imposed with Level 1 and Level 2 offenses
- Suspensions of 3-5 days are applied, in most cases, for Level 3 and some Level 4 offenses
- Suspensions of 5-10 days are most appropriate for Level 4 offenses

"The time is always right for doing right."

-Dr. Martin Luther King Jr.,
Civil and Human Rights Leader

▲ Expulsion

When a student is expelled, he or she is removed from school attendance for more than 10 consecutive school days or for more than fifteen (15) days in a month of school attendance. Additionally, multiple suspensions that occur consecutively shall constitute expulsion. This disciplinary option is used only in the most severe cases, since expulsion separates a student from his or her assigned learning environment.

Expulsions may vary in length from 11 days to the remainder of the school year. Some, but not all, of the offenses that may result in an expulsion are included in the Level 4 and Level 5 offenses listed in the Student Code of Conduct.

Under Tennessee law, a student will be expelled for a period of no less than one (1) calendar year for any of the following behaviors:

1. Assault (injury or extremely offensive or provocative physical contact)/ aggravated assault (serious injury) against school personnel;
2. Possession/sale/distribution of illegal drugs or unauthorized prescription drugs; or
3. Possession/concealment/use/sale/distribution of explosive devices and firearms (assembled or unassembled parts), except toy guns - real/look alike.

Any student expelled must have an academic and a behavioral re-entry plan before returning to school.



C. Students with Disabilities

Unless an offense is a direct result of a disability, a student with a disability will be disciplined in the same manner as a non-disabled student. The district, parent and relevant members of the IEP team will review all relevant information to determine:

- ✓ if the conduct was a direct result of the district's failure to implement the IEP; and/or
- ✓ if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability.

Regular education students may invoke rights under special education laws under certain conditions, including if the parent has expressed concern in writing to supervisory or administrative personnel of the district, or the child's teacher, that the student is in need of special education and related services.

D. Make-Up Work

Students who miss a day of school because of discipline will be given the opportunity to make up all work and classroom tests. Work and tests should be made up within a week after the student returns to school. (The principal may grant exceptions in special circumstances.)

Steps to Making Good Choices

- ✓ Think it through
- ✓ Gather information
- ✓ Weigh your choices and the possible consequences
- ✓ Review what you did and what happened as a result
- ✓ Learn from your choices

"The final forming of a person's character lies in their own hands."

-Anne Frank, German-Jewish Diarist and Holocaust Victim

Part III

Students' Right to Due Process and Appeals

Memphis City Schools recognizes that each student has certain rights in regard to accusations of misbehavior and resulting disciplinary action.

A student involved in a violation of the Student Code of Conduct can be sure of the following:

- ✓ He or she will be informed of the charges and evidence and will be given an opportunity to fully explain his or her side of the story.
- ✓ MCS policies and rules governing student behavior will be applied in a firm, fair, and consistent manner in all schools in the district.
- ✓ Discipline will be based on a student's actual behavior.
- ✓ Each student will be held responsible only for his or her level of involvement.

▲ Suspensions*

- ✓ The principal must give the student and parent/guardian written, direct or verbal notice of a suspension within 24 hours.
- ✓ The principal has the final decision on in-school suspensions and suspensions up to 3 days.
- ✓ Suspensions of 4 to 10 days may be appealed to a Hearing Officer.
- ✓ The student or parent/guardian has one day to file the appeal with the Hearing Officer, who will conduct a hearing before making his or her decision.
- ✓ If the suspension is supported by evidence or is consistent with law or MCS policy, the Hearing Officer will uphold the suspension.
- ✓ If the suspension is not supported by the evidence, law, or policy, the Hearing Officer can reverse the suspension, recommend alternative placement, extend or reduce the suspension or remove the suspension conditionally or unconditionally.
- ✓ The decision of the Hearing Officer is final.

▲ Expulsions*

- ✓ The principal must give the student and parent/guardian written, direct or verbal notice of an expulsion within 24 hours.
- ✓ The student, parent/guardian, or a teacher selected by the student has up to five (5) days to file an appeal with the Memphis City Schools Pupil Services Center.
- ✓ The Pupil Services Center may uphold the expulsion, order removal of the expulsion conditionally or unconditionally, assign the student to an alternative program or night school, or suspend the student for a specified period of time.
- ✓ After the Pupil Services Center's decision is rendered, the student or the school principal may request a review of the decision before the Superintendent and the Board of Commissioners.
- ✓ The Board of Commissioners, after reviewing the case, may grant or deny the request for a hearing and may affirm or overturn the decision of the Pupil Services Center. The Board of Commissioners' action is final.
- ✓ Disciplinary hearings conducted by the Board of Commissioner after appeal by the student or principal shall be closed to the public unless the student or student's parent or guardian requests in writing within five (5) days after receipt of written notification of the hearing that the hearing be conducted as an open meeting.

*For complete appeals procedures for suspensions and expulsions see the policy on Appeals Related to Student Discipline, (#6.317).



Part IV

Gang Prevention, Intervention, and Enforcement

Memphis City Schools believes that school should be a safe place for students to learn and grow. Distractions caused by gangs and similar organizations are a direct threat to the safety and security of students and disrupt the learning environment. Therefore, the district strictly prohibits all activities related to gangs and other organizations that engage in unlawful or delinquent behavior and provides support for students affected by gang activity.

Definition of a Gang

A gang is a formal or informal ongoing organization, association, or group consisting of three (3) or more persons who identify themselves with a common name or sign and that:

- ✓ Has as one (1) of its activities the commission of criminal acts; and
- ✓ Has two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal activity.

Some Examples of Gang-Related Activity

Any activity implying gang affiliation or membership can be gang-related activity. Some examples are listed below.

- Gestures
- Actions
- Signals
- Literature
- Clothing apparel or colors
- Manner of grooming
- Signs
- Drawings
- Jewelry
- Gang fights
- Possessing or distributing gang information
- Participating in gang recruitment or solicitation
- Participating in gang initiation/hazing activities
- Verbal or nonverbal communications
- Writings and graffiti
- Gang-related threats, intimidation, and extortion
- Coordinating and ordering gang-activities at school
- Any other gang activity or acts that imply gang affiliation or membership

Consequences for Engaging in Gang Activity

Students participating in gang-related activity shall be disciplined in accordance with policy 6.313 Student Behavior. In addition, students suspended or expelled for gang-related activity will receive mandatory gang prevention counseling and may receive an adjustment transfer or placement in an alternative school.

Gang Prevention and Intervention Services for Students and Parents

The district offers several prevention services to discourage students from participating in gang activity. These include:

- ✓ school-sponsored and community-based gang prevention services
- ✓ conflict resolution and decision-making programs
- ✓ programs on life skills
- ✓ gang awareness services
- ✓ mentoring and tutoring programs
- ✓ social and recreational activities

The school system also offers intervention services in the form of mandatory gang prevention counseling for students disciplined for gang-related activity.

Students and parents who would like to take advantage of gang prevention counseling or general prevention and intervention services should contact their school principal for opportunities available through the school.

Options for Students Affected by Gang Activity

Reported threats will be taken seriously and students who make gang-related threats will be subject to expulsion from 11 to 180 days. Students who feel bullied, threatened or unsafe at school because of gang activity should report their concerns to a teacher, counselor, or principal/assistant principal. The district will make information on counseling services within the district and the city available to the parents of students who have been bullied or threatened due to gang activity at school. Please also refer to Part VII of this Handbook and policy 6.304 Student Harassment, Bullying, Intimation, and Cyber-Bullying.

Students who want to leave a gang should contact a principal or a staff member that they trust for guidance and support services. The school or district may provide students and parents with information on community organizations that assist students in leaving gangs.

Part V

Attendance Regulations

Tennessee law and Memphis City Schools require students to attend classes every day and to be on time.

If a student has unexcused absences from school, the studdent's parent(s) will be contacted by the district to see how the school and the district can help to restore regular attendance. If a student continues to have unexcused absences, the school district will send letters to the parents/guardians letting them know that compulsory attendance laws require students to attend school every day. Memphis City Schools will also work with the parent/guardian to learn why his/her child is not attending school and to help the child begin attending school regularly. If a student accumulates too many unexcused absences, the school district will have to refer the case to law enforcement authorities.

Excused Absences

An absence will be excused only for the reasons listed below:

- Personal illness of the student. This includes medical appointments for physical and mental health needs.
- Death or serious illness in the student's immediate family. Immediate family includes parent/guardians/custodians, brothers, sisters, and grandparents. This also includes spouse, children, mother-in-law, and father-in-law for married or parenting students.
- Recognized religious holiday or event.
- Validated court appearance of the student.
- Any other unusual causes acceptable to the school's principal, including approved school-sponsored or school-approved activities.
- Deployment for and return from military service of a student's parent/guardian or custodian (one day each for the parent's deployment and return).*
- Visitation with a parent/guardian or custodian who is a member of the United States armed forces when the member is granted rest and recuperation leave and is stationed out of the country (up to ten days of excused absence).*

* *In these cases, a student may be granted additional excused absences at the Superintent's discretion to visit with his/her parent if the parent is an active member of the unformed services, as defined by the Interstate Compact on Education Opportunities for Military children, and has been called for or immediately returned from deployment to a combat zone or combat supporting posting.*

Unexcused Absences

Absences for any reason other than those listed above are unexcused. Unexcused absences are prohibited by Tennessee law.

- If a student accumulates repeated unexcused absences, school and district leaders will seek to identify the causes and find ways to help support regular attendance.
- Any student who accumulates 10 or more days of unexcused absences within one school year may be referred to Juvenile Court and the U.S. District Attorney General's Office.

Excessive Tardies and Early Releases

- After three tardies or early releases, the principal (or designee) will hold a conference with the student's parent/guardian.
- A student who arrives at school late or leaves school early without a medically documented excuse more than nine times during a school year may be subject to additional disciplinary action.

Cutting Class

- A student who is at school but fails to attend the class to which he or she is assigned may be subject to disciplinary action.
- Disciplinary action may be applied to students who cut class once. If a student fails to attend a class in one (1) course or in separate courses three (3) times during the school year, the principal will have a conference with the student's parent/guardian.

Make-Up Work

- Work and tests for both excused and unexcused absences should be made up within a week after the student returns to school.

Consequences for Unexcused Absences

The following procedures are used when students are absent without an excuse:

✓ **First two unexcused absences:** Phone calls to a student's parent/guardian each time the student is absent.

✓ **Third unexcused absence:** Warning letter informing parent/guardian of truancy laws and the consequences of not complying with the law; request for a parent teacher conference.

✓ **Fifth unexcused absence:** First official attendance letter sent home; student's parent/guardian requested to attend a meeting and become part of their child's Student Attendance Review Team (SART) to address the causes of unexcused absences and identify interventions.

✓ **Ten or more unexcused absences:** The student's case shall be sent to a city-wide Student Attendance Review Board (SARB), which includes individuals from other organizations that work with students. This Board will work with parents/guardians to try and restore a student's regular attendance at school. If the student continues to accumulate unexcused absences, the case will be referred to Juvenile Court and the U.S. District Attorney General for apropriate legal action for failure to follow the compulsory attendance laws.

✓ In accordance with state law, students who have over ten (10) consecutive or fifteen (15) total unexcused absences in a semester will be referred to the Department of Safety for drivers' license denial/revocation, unless the absences re due to transfer or are beyond the student's control. (This applies to students who are fifteen (15) years of age or older.) A copy of the notice shall be mailed to the student's parents/guardian.

Part VI

Discrimination/Harassment

Federal and state law protects students against discrimination/harassment by other students and adults and protects adults against discrimination/harassment by students. Students have the right to attend school in an environment free from discrimination/harassment that is based on race, color, religion, national origin, disability, sex or sexual orentation. Students also have the right to complain about incidents without retaliation. Students must also refrain from discriminating against/harassing others.

Discrimination Includes. . .

Conduct, gestures, or words based on race, color, sex, age, religion, disability, national origin, or sexual orientation that negatively effect student academic opportunities or the school environment.

Harassment Includes. . .

General Harassment
Conduct based on race, color, sex, age, religion, disability, national origin, or sexual orientation that includes but is not limited to

- Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; or
- Epithets, insults, jokes, negative stereotyping, intimidating or hostile acts; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed, disseminated or circulated while traveling to or from school, at school, during school-related activities/events, or at a district facility

Sexual Harassment

Unwelcome sexual advances/actions which cause a reasonable person to feel uncomfortable or unsafe, resulting in a school/work environment which is offensive, hostile and/or intimidating. Examples include, but are not limited to:

- Unwelcome sexual flirtation or sexual propositions
- Graphic comments about a person's body or conduct
- Spreading sexual rumors
- Cyber sexual harassment
- Unwelcome physical contact including touching, patting, or grabbing a person or their clothing
- Conditioning of a grade or a role in a program or any other decisions on a student's submitting to sexual advances

Reporting Discrimination/Harassment

Although every effort is made to prevent discrimination/harassment of students and by students, MCS recognizes that discrimination/harassment will sometimes occur. Students may not always know that they have a right to be free of discrimination/harassment or recognize when it has occurred. Thus, the faculty and principal should be alert to assist students, even when they do not ask for help. Additionally, students should be equally aware that they have a duty to refrain from discriminating/harassing others, including adults. "Adult" includes employees, parents, visitors, volunteers, contracted agents, and vendors interacting with students and schools. In order to support students who have been victims of discrimination/harassment and clearly define the due process procedures for students accused of discrimintion/harassment, MCS has instituted the following complaint procedures:*

▲ Discrimination/Harassment of Students by Adults

- The student or parent/guardian must immediately report discrimination/harassment to a teacher, counselor, principal, or may contact the Office of Equity Compliance at (901) 416-6670.
- A teacher, counselor, or principal who receives a complaint of discrimination/harassment must immediately inform the principal/supervisor, who must file a complaint with the Office of Equity Compliance.
- The complaint must include the name, address, and telephone number of the student reporting the discrimination/harassment; an explanation of the action or conduct complained of; and the person allegedly responsible for the discrimination/harassment.
- Initially, the principal will gather facts regarding the complaint and give the results to the Office of Equity Compliance within five (5) from receipt of the complaint, which will immediately begin an investigation.
- Within ten (10) school days after receiving the initial results, the Office of Equity Complianc will conduct its investigation and give a written decision to the student/parent; the alleged perpetrator; and the approriate staff.
- If there is no appeal within five (5) school days from receipt of the Office of Equity Compliance's decision, the Office of Labor Relations will act in accordance with the decision of the Office of Equity Compliance.

▲ Discrimination/Harassment of Students by Other Students

- The student or parent/guardian must immediately report the discrimination/harassment to a teacher, counselor, principal or the Office of Equity Compliance at (901) 416-6670.
- A teacher or counselor who receives a complaint of discrimination/harassment or believes that a student is being discriminated against/harassed must notify the principal immediately.

- The complaint must include the name, address, and telephone number of the student reporting the discrimination/harassment; an explanation of the action or conduct complained of; and the person allegedly responsible for the discrimination/harassment.
- Upon receipt of a complaint, the principal or designated staff shall promptly conduct an investigation.
- Within five (5) school days after receiving the complaint, the principal or designee will give a written decision to the student and/or parent/legal guardian registering a complaint; the alleged perpetrator; and the Office of Equity Compliance.
- If there is no appeal within two (2) school days, the principal will administer discipline, if appropriate.

Principals shall immediately report all allegations of discrimination/harassment occurring in their schools, including those that the alleged victim did not pursue, to the Office of Equity Compliance. Additionally, a copy of any written decision shall be forwarded to the Office of Equity Compliance.

▲ Discrimination/Harassment of Adults by Students

- Upon receipt of a written complaint alleging discrimination/harassment against a student by an adult, the principal or appropriate supervisor conducts an initial investigation within five (5) school days from receipt of the complaint.
- The results of the initial investigation are submitted to the Office of Equity Compliance, which conducts an investigation within ten (10) school days from receipt of the initial results.
- A written decision pertaining to the complaint is submitted by the Office of Equity Compliance within ten (10) school days from receipt of the initial investigation results to the appropriate staff, the complainant, and the alleged student perpetrator.
- If there is no appeal within five (5) school days, the principal or appropriate supervisor will act in accordance with the decision of the Office of Equity Compliance.

▲ Appeals Relating to Discrimination or Harassment of Students by Adults or Other Students

- In cases of adult-to-student discrimination/harassment, either the student reporting discrimination/harassment or the alleged perpetrator can file a written appeal within two (2) school days from receipt of the Office of Equity Compliance decision, as follows:

 - Vendor/Contractor/Consultant Perpetrator – File the appeal with the Deputy Superintendent of Business Operations (or designee) for violations alleging a vendor/contractor/consultant perpetrator.

- District Employee Perpetrator – File the appeal with the Executive Director of Human Resources for violations alleging a district employee perpetrator.
- Third Party Other than a Vendor/Contractor/Consultant Perpetrator - File the appeal with the Deputy Superintendent of Academic Operations (or designee) for violations alleging a third party other than a vendor/contractor/consultant perpetrator.

- In cases of student-to-student discrimination/harassment, either the student reporting discrimination/harassment or the alleged perpetrator can file a written appeal with the Office of Equity Compliance within two (2) school days from receipt of the principal's or designee's decision.
- Appeals should include the name of the complainant; the name of the alleged student perpetrator; and explanation of the action or conduct being complained of; and a copy of the previous decision concerning the complaint.
- In appeals involving adult-to-student discrimination/harassment, the Deputy Superintendents of Business Operations and Academic Operations (or designees) and the Executive Director of Human Resources shall investigate the appeal and render a decision and recommendation for resolving the complaint/appeal. Within five (5) school days after receiving the complant/appeal, a written notificaiton shall be provided to the appropriate staff, complainant, and alleged perpetrator.
- In appals involving student-to-student discrimnination/harassment, the Office of Equity Compliance shall investigate the appeal and shall render a decision and recommendation for resolving the complaint/appeal. Within five (5) school days after receiving the complaint/appeal a written notification shall be provided to appropriate staff, the complainant, and the alleged perpetrator.
- The decisions of the Deputy Superintendents (or designees), the Executive Director of Human Resources, and the Office of Equity Compliance are the final administrative decisions.

▲ Appeals Relating to Discrimiation or Harassment of Adults by Students

- In cases of student-to-adult discrimination/harassment, either the adult reporting discrimination/harassment or the alleged student perpetrator can file a written appeal within five (5) school days from receipt of the Office of Equity Compliance decision as follows:

 - Vendor/Contractor/Consultant Victim – File the appeal with the Deputy Superintendent of Business Operations (or designee) for violations involving a vendor/contractor/consultant victim.
 - District Employee Victim – File the appeal with the Executive Director of Human Resources for violations involving a district employee victim.
 - Third Party Other than a Vendor/Contractor/Consultant Victim- File the appeal with the Deputy Superintendent of Academic Operations (or designee) for violations involving a third party other than a vendor/contractor/consultant victim.

- Appeals should include the name of the complainant; the name of the alleged student perpetrator; and explanation of the action or conduct being complained of; and a copy of the previous decision concerning the complaint.
- The Deputy Superintendents of Business Operations (or designee) and Academic Operations (or designee) and Executive Director of Human Resources shall investigate the appeal and render a decision and recommendation for resolving the complaint/appeal. Within five (5) school days after receiving the complaint/appeal, a written notification shall be provided to appropriate staff, the complainant, and the alleged student perpetrator.
- The decisions of the Deputy Superintendents (or designees) and the Executive Director of Human Resources are the final administrative decisions.

▲ Student Services and Disciplinary Actions

- Counseling services must be offered to students found to be victims of discrimination/harassment.
- The student victim or perpetrator's schedule or school assignment may be modified; and any other action intended to protect the student victim from future discrimination/harassment may be taken.
- When adult-to-student discrimination/harassment occurs, discipline is provided as follows:
 - District Employees – The Office of Labor Relations shall render discipline in accordance with MCS policy or other internal guidelines.
 - Vendors/Contractors/Consultants – The Deputy Superintendent of Business Operations (or designee), in consultation with the Office of General Counsel, shall determine an appropriate remedy in accordance with the law and/or board policy.
 - Other Third Parties – The Deputy Superintendent of Academic Operations (or designee), in consultation with the Office of General Counsel, when necessary, shall determine an appropriate remedy in accordance with the law and/or board policy.
- When student-to-student or student-to-adult discrimination/harassment occurs, the principal shall discipline the perpetrator in accordance with MCS policy and the Student Code of Conduct. Students may appeal disciplinary actions only in accordance with procedures in the Student Code of Conduct. Making a false report about discrimination/harassment is considered harassment and is subject to disciplinary action.

*The policy on Non-Discrimination and Harassment: Students (#63041) contains a complete outline of the complaint and appeals procedures. This and other policies on discrimination/harassment are included with the listing of MCS policies on student behavior on page 33 of this handbook.

Part VII

Bullying, Intimidation, Harassment and Cyber-Bullying

Students are expected to behave in ways that are respectful and considerate of others. Bullying, intimidation, harassment and cyber-bullying of students will not be tolerated and a student who creates a hostile educational environment for another student will be subject to disciplinary action.

Bullying, intimidation, harassment and cyber-bullying are defined as any act, written, verbal or physical, or any communication using an electronic device that substantially interferes with a student's educational benefits, opportunities or performance and:

- ✓ is motivated by an actual or perceived characteristic, including but not limited to, race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical or sensory disability, socio-economic or familial status; and/or
- ✓ physically harms a student or damages a student's property; or
- ✓ knowingly places a student in reaonable fear of physical harm to the student or damage to the student's property; or
- ✓ creates an intimidating, hostile or offensive learning environment; or
- ✓ has the effect of otherwise creating a substantial disruption to the education environment or learning process

This includes cyber bullying, which is bullying through the use of electronic devices, which includes but are not limited to, telephones, cellular phones or other wireless telecommunicaiton devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, and websites.

Bullying, Intimidation, Harassment and Cyber-Bullying Is Prohibited ...

- ✓ On school grounds
- ✓ At any school-sponsored activity
- ✓ On school-provided equipment or transportation
- ✓ At any official school bus stop immediately before boarding or after deboarding
- ✓ While traveling to or from school, a school activity, or a school-related function
- ✓ Off school property or outside of a school-sponsored activity if directed specifically at a student or students.

Reporting Bullying, Intimidation, Harassment and Cyber-Bullying

Victims of bullying, intimidation, harassment or cyber-bullying shall report incidents immediately to a teacher, counselor or principal. Teachers and counselors who receive reports of bullying, intimidation, harassment or cyber-bullying are responsible for reporting them to the principal, who shall ensure that allegations are reported, investigated, and referred to the appropriate district level staff when necessary.

The privacy and anonymity of all parties and witnesses to complaints will be respected and there will be no retaliation against any person who reports bullying, intimidation, harassment or cyber-bullying or participates in an investigation.

Bullying Prevention and Counseling Services For Students

Students can take advantage of prevention programs on bullying, intimidation, harassment or cyber-bullying sponsored by the district and local schools.

In addition, parents whose children have been the victims of bullying may contact the central office or their local schools for information on counseling services within the district and the city to help their child overcome the effects of the bullying, intimidation, harassment or cyber-bullying.

For harassment based on race, color, religion, national origin, handicap/disability. sexual orientation or sex, see also pages 24-28.

Think about it.....

Success Isn't For Quitters

"I can accept failure, but I can't accept not trying."
-Michael Jordan, Athlete

"Fall down seven times, get up eight."
-Japanese proverb

"I know that I can only get into the sunlight by work and only remain there by more work."
-Zorta Neale Hurston, Writer

"Life is like a trumpet. If you don't put anything into it, you don't get anything out."
-W.C. Handy, Musician

"Ninety-nine percent of failures come from people who have the habit of making excuses."
- George Washington Carver, Scientist

Part VIII

Interscholastic Athletics and Extracurricular Activities

Athletics and other extracurricular activities are important parts of school life. Students can develop skills and character traits such as team building, leadership, self-discipline, healthy competition, and integrity.

According to MCS policies on Interscholastic Athletics (#4.301) and Extracurricular Activities (#4.300), students participating in athletics and extracurricular activities are expected to act responsibly and with high ethical standards at all times. To ensure that students receive the highest benefit from these programs, MCS has established rules of conduct and consequences for unacceptable behavior for student athletes and for students participating in extracurricular activities.

Here are some facts that students should know about participating in athletics and other extracurricular activities:

- Participation in athletics and other extracurricular activities is a privilege.
- If a student participating in athletics or an extracurricular activity engages in inappropriate conduct, he/she may be sanctioned, including restricting or banning the student's participation in the sport or activity.
- Rules of behavior for student athletes and for students participating in extracurricular activities apply all year: during the school year, during out-of-school periods and during non-school hours.

Think about it.....

Learning Matters



"The beautiful thing about learning is that nobody can take it away from you."
-B.B. King, Musician

"The best of all things is to learn. Money can be lost or stolen, health and strength may fail, but what you have committed to your mind is yours forever."
-Louis L'Amour, Writer

"Education is our passport to the future. Tomorrow belongs to the people who prepare for it today."
-Malcolm X, Civil Rights Leader

"It is not true that we have only one life to live. If we can read, we can live as many lives as we wish."
-S.I. Hayakawa, Senator

"Intelligence plus character—that is the goal of true education."
-Dr. Martin Luther King Jr., Civil & Human Rights Leader

Part IX

School Uniform Regulations

What you wear to school can affect learning. Clothes that distract other students from their work, disrupt class, or create a potential safety hazard are not permitted.

Basic School Uniform

- ✓ Tan, navy blue, or black pants, skirt, or jumper.
- ✓ White long-sleeve or short-sleeve shirt with a collar, turtle necks included.
- ✓ Pants must be straight-legged or boot-cut. Permitted styles are full-length, cropped, and cargo pants; straight-legged Capri pants; and walking shorts (straight-legged shorts that are at the knee).
- ✓ Pants must fit at the waist. If belts are worn, they must be fitted and put through belt loops.
- ✓ Skirts or jumpers must be at or below the knee.
- ✓ Shirts must be tucked in unless they are a style designed to be worn over pants or skirts.
- ✓ T-shirts may be worn under shirts or blouses. They must be solid white. All school uniform clothes must be plain with no manufacturer's logo, brand names, pictures, or insignias visible.
- ✓ Shoe heels can be no higher than one and one-half inches.
- ✓ Light jackets, vests, shirts, sweaters, sweat shirts, and cardigans are permitted to be worn over the uniform top. They must be white, tan, navy blue, black or a color approved by the school leadership council.
- ✓ Heavy coats, heavy jackets, and raincoats are not covered by school uniform regulations and may not be worn during the school day unless specifically permitted by the school principal under special circumstances.
- ✓ Clothes that are not permitted include, but are not limited to, denim jeans; pedal pushers, and bell bottoms; pants that are oversized or undersized; baggy pants, sagging pants, tights, or pants made of spandex; and shoes with rollers/wheels.

Within the district's basic uniform, principals may determine proper attire for their schools, including proper attire when uniforms are not worn. School Leadership Councils may approve additional styles and colors for the uniform top or an approved item worn over the uniform top; these variations must be school-related and consistent with dress codes. The School Leadership Councils may approve days or events when school uniforms are not required. In addition, students are prohibited from wearing any type of clothing, apparel or accessory that denotes gang affiliation or membership. The principal can also place restrictions on the Basic Uniform for safety reasons including gang-related activity. Failure to follow school uniform requirements is a Level 1 offense. Violation of the policy will not affect a student's academic or conduct grade.

Part X

MCS Policies Related to Student Behavior:

Care of School Property, Drug-Free Schools, Interrogations and Searches, and Unsafe School Choice

MCS takes strides to ensure that students learn in an atmosphere that is safe, clean, and well maintained. Students must respect the school by taking proper care of school property and exercising good judgment when bringing items into the school or on school property. To ensure schools are free from drugs and other illegal or inappropriate substances that may harm students or school property, students and visitors are subject to search and interrogation, when necessary. Although the district takes great care to prevent unwelcome behavior, MCS recognizes that uncomfortable and potentially dangerous situations may occur during school. If a student attends a school that is designated as persistently dangerous or a student is the victim of a violent crime while at school, the student or parent may request a transfer to a school that is safe for the student.

The Board of Education of Memphis City Schools has created policies and rules and regulations that govern student behavior and discipline in all schools. A list of the policies is provided below, and the full text of each policy is available on the Memphis City Schools Web site at www.mcsk12.net.

Topic	Policy Number
Extracurricular Activities	4.300
Interscholastic Athletics	4.301
Regularity of Attendance	6.200
Compulsory Attendance Ages	6.201
Student Rights and Responsibilities	6.301
Interrogations and Searches	6.303
Student Harassment, Bullying, Intimidation and Cyber-Bullying	6.304
Non-Discrimination and Harassment: Students	6.3041
Drug-Free School	6.307
Bus Conduct	6.308
State-Mandated Zero Tolerance Offenses	6.309
Unsafe School Choice	6.3091
School Uniforms and Dress Codes	6.310
Student Membership Badges	6.3103
Gang Prevention, Invention, and Enhancement	6.3102
Care of School Property	6.311
Student Behavior	6.313
Appeals Relating to Student Discipline	6.317
Alternative Schools	6.319

GLOSSARY

Listed below are commonly-used terms that will lead to a greater understanding of the Code of Conduct. All offenses listed in the Code of Conduct are not defined. Please call the Director of Pupil Services if further explanation is needed for the listed terms or if you would like explanation of a term not listed below.

Adjustment Transfer
Transfer of a student from the home school to another school for personal safety reasons (other than unsafe school choice) or for behavioral/situational reasons. The transfer will be for the remainder of the school year, but a parent may request an extension into the following school year. (See Policy #6.3091, Unsafe School Choice).

Answering an In-School Suspension
A parent/guardian consulting with school officials to discuss the reasons for a student's in school suspension and how the parent/guardian can work with the student, the teachers and other school personnel to improve the student's behavior or actions.

IT'S A FACT:

The earlier someone begins drinking alcohol, the greater the risk of damage to the brain. Kids who begin drinking before the age of 15 are four times more likely to get hooked on alcohol than someone who does not have a drink before age 21.

-www.niaaa.nih.gov

Alcohol Intoxicating liquor or beverage containing ethanol.

Arson (see also attached statutory definitions)
The actions of an individual who knowingly damages school property or the property of another by means of a fire or explosion without consent of the property owners and with the intent to destroy or damage for any unlawful purpose.

Assault (see also attached statutory definitions)
The actions of an individual who intentionally, knowingly or recklessly causes bodily injury to another intentionally or knowingly causes another to reasonably fear imminent bodily injury, or causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

- Aggravated Assault (see also attached statutory definitions) is committed by an individual who intentionally, knowingly or recklessly commits an assault and also causes "serious" bodily injury to another or uses or displays a deadly weapon. (See Serious Bodily Injury)

Assault on Designated Visitors (see also Assault/Aggravated Assault definition)
The actions of an individual who intentionally, knowingly or recklessly causes bodily injury to persons who are legitimately present on school property or attending school-sponsored activities/ events. This would typically include parents/guardians, other family members, guests, volunteers and chaperons.

Assault/Aggravated Assault (formerly Battery) on a Teacher or Other School Personnel (see also Assault/Aggravated Assault definition)

The actions of an individual who intentionally, knowingly or recklessly causes bodily injury on any elected official or school district employee whether it is committed on school property, on school-sponsored transportation, during a school-sponsored activity or while the elected official or employee is on official school business.

Breaking and Entering/Burglary

An individual who enters a building not open to the public with the intent to commit a felony, theft or assault or remains concealed in a building with the intent to commit a felony, theft or assault.

Bricking/Stoning of Buses/Vans

Incidents of students throwing objects at any occupied school bus, school-sponsored vehicle, or MATA bus (when the MATA bus is carrying Memphis City Schools students to/from school or school sponsored activities).

Bullying, Harassment and Intimidation

Any act that substantially interferes with a student's educational benefits, opportunities or performance that takes place on school grounds, at any school-sponsored activity, on school provided transportation, or at any official school bus stop, and that has the effect of:

(1) Physically harming a student or damaging a student's property;
(2) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
(3) Creating a hostile educational environment.

Examples include, but are not limited to, name calling or “checking;” making negative comments about a person’s race, ethnicity, sexual orientation, sex, religion or disability; extortion; and following students to and from school with intent to intimidate.

Bullying, Harassment and Intimidation includes Cyber Bullying, which is bullying through the use of the Internet or through telecommunications technologies, such as computers, telephones, cell phones and text messaging.

Care of School Property

(See Failure to Exercise Appropriate Care of School Property)

Cheating/Plagiarism

Taking credit for oneself and not giving credit to the source for written and oral expression authored and/or prepared by another, cheating on exams, etc.

Class Cutting

Absence from scheduled classes or scheduled activities witout prior knowledge of parents and school authorities (see Policy 6.200 Regularity of Attendance)

Clearing a Suspension

Terms and conditions of a student’s return to school after being suspended. The principal (or designee) will set the terms.

Corporal Punishment
Punishment inflicted on a person's body. Corporal punishment is not an approved disciplinary measure of Memphis City Schools.

Cyber Bullying
See Bullying, Harassment and Intimidation

Designated Visitors
Persons who are legitimately present on school property or attending school-sponsored activities/events. This would typically include parents/guardians, other family members, guests, volunteers and chaperons.

Disruptive Behavior
Conduct that significantly interferes with all or portions of the campus activities, school sponsored events and school bus transportation. Behavior that poses a serious threat to the learning environment or to the health, safety, and/or welfare of others.

Drug
Any controlled substance, marijuana, alcohol, legend drug or any other substance whose possession or use is regulated in any manner by any governmental authority, including the school system.

IT'S A FACT:

Drugs affect memory and learning, which makes it harder for you to succeed in school. And studies show that people who experiment with drugs before the age of 12 are at a much greater risk for engaging in serious violence when they become teens. If you know someone using drugs, ask them to get help.

-www.safeyouth.org

Early Release
Early release means leaving school or class before the end of the school day with the knowledge of parents and school authorities.

Excessive Tardies
- Excessive tardies means continuing to come to school after the school day begins or to the classroom after classes have started.
 (See Policy 6.200 Regularity of Attendance.)

Expel/Expulsion
Removed from the pupil's regular school program at the location where a violation occurred or removal from school attendance altogether. Suspensions of more than 10 days are expulsions.

Extortion
A person who uses coercion upon another person with the intent to obtain property, services, any advantage or immunity; or restrict unlawfully another's freedom of action
- Coercion is a threat of kidnapping, extortion, force or violence to be performed immediately or in the future.

Failure to Exercise Appropriate Care of School Property
Indentionally using, without proper permission, property belonging to another or the school, in a manner likely to damage the property. Applying profane, obscene, sexist, racist or other decorations to any area or surface which disrupts the educational process, interferes with teaching and learning, and defaces or devalues school property.

False Accusation
The intentional making of untrue statements that may jeopardize the reputation, employment or professional certification of a teacher, member of the staff or student.

False Fire Alarm
The intentional activation of a fire alarm, fire bell, or other signaling device with intent to deceive, mislead or otherwise misinform a school/center function concerning the presence of a fire or other disaster.

False Imprisonment – (see also attached statutory definitions)
Knowingly removing or confining another person unlawfully so as to interfere substantially with the person's liberty.

- Kidnapping (see also attached statutory definitions) is false imprisonment under circumstances that expose a person to substantial risk of bodily injury.

- Aggravated Kidnapping (see also attached statutory definitions) is false imprisonment committed to facilitate commission of a felony or flight after committing a felony or interfere with the performance of any governmental or political function, with the intent to inflict serious bodily injury, or terrorize the victim or another, or where the victim suffers bodily injury, or while in possession of a deadly weapon or threatened use of a deadly weapon.

Felony per Juvenile Court
Off-campus criminal behavior that results in the student being legally charged with a felony and the student's continued presence in school poses a danger to persons or property or disrupts the educational process.

Fighting

- Minor injury and non gang-related - Mutual combat and mutual altercation, including when two or more persons mutually participate in physical violence that may require physical restraint and/or results in minor or no injury. (Level 3 violation)

- Serious injury, weapon used or gang-related - Mutual combat and mutual altercation, including when two or more persons mutually participate in physical violence, that requires physical restraint and results in serious injury and/or weapons are used. (Level 5 violation)

Firearm or Destructive Device
Any weapon designed, made or adapted to expel a projectile by the action of an explosion or any device readily convertible to that use.

Forgery
To alter, make, complete, execute or authenticate any writing that attempts to:
(1) be the act of another who did not authorize that act;
(2) have been executed at a time or place or in a numbered sequence other than was in fact the case; or
(3) be a copy of an original when no such original existed.

Gambling
Risking anything of value for a profit whose return is to any degree contingent on chance.

Gang
A formal or informal ongoing organization, association, or group consisting of three (3) or more persons who identify themselves with a common name or sign and that has as one (1) of its activities the commission of criminal acts; and has two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal activity.

Harassment - See Bullying, Harassment and Intimidation and Sexual Harassment

Hazing
Any intentional or reckless act by one student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety.

In-School Suspension
Prohibiting a student from attending his/her regular class for a specified period of time.

Indecent Exposure
The display of parts of the human body without clothing in a manner that is contrary to local custom and law.

Interrogation - To formally or offically examine by asking questions.

Interventions
Programs, curricula, strategies or activities designed to prevent, reduce or eliminate negative behaviors or actions in students or to support academic achievement.

Insubordination/Defiance
Refusing to follow a reasonable request, direction or instruction of an adult through disobedience, defiance, unruliness or noncompliance. Includes walking away when being addressed by an adult and refusal to work in class.

Intimidation - See Bullying, Harassment and Intimidation

Locker Misuses
Intentionally using, without proper permission, property belonging to another or the school, in a manner likely to damage the property or using another person's locker without authorization. Applying profane, obscene, sexist, racist or other decorations to a locker or any area or surface which disrupts the educational process, interferes with teaching and learning, and defaces or devalues school property.

Making a Threat (with a Destructive Device) or False Report (Bomb)
Threatening to throw, project, place, or discharge any destructive device, including chemical weapons, with intent to do bodily harm to any person or with intent to do dam-

age to any property of any person; or making a false report, with intent to deceive, mislead or otherwise misinform any person, concerning the placing or planting of any destructive device, bomb, dynamite, or any other deadly explosive.

Misconduct Level 1
Conduct that interferes with the school or classroom environment, but has little potential for causing harm to others or destruction of property.

Misconduct Level 2
Conduct that interferes with the school or classroom environment, and has high potential for causing harm to other persons or destroying property.

Obscene Material
Material of a sexual nature which offends common decency and morals.

Participation in Activities Related to Non-School Sponsored/Non-Sanctioned Organizations
Participation in organizations at school that are not approved by the school's administration. Includes failure to register a non school-sponsored organization with the school or participation in the activities of a non school-sponsored organization while at school. (See definition of Hazing).

Posting/Distributing Unauthorized Material
Posting or distributing leaflets or other materials that have not been approved for posting or distribution by the school and/or the district or that are not in accordance with law or policy.

Profanity - Vulgar or irreverent speech or action.

Reckless Driving
Driving any vehicle on or near school grounds with an intentional reckless disregard for the safety of persons or property.

Remand/Alternative School Placement
Placing a student who has been expelled, suspended several times, or received a long-term suspension in a school setting that provides both behavioral and academic support.

Robbery
Intentional or knowing theft of property from another person by violence or by putting the person in fear.

- Aggravated robbery is theft of property with a deadly weapon or what is believed to be a deadly weapon or where the victim suffers serious bodily injury.

Search
Careful examination or investigation of a person or property by appropiate school, district, or law enforcement officials.

Serious Bodily Injury
Bodily injury that involves (a) a substantial risk of death; (b) protracted unconsciousness; (c) extreme physical pain; (d) protracted or obvious disfigurement; or (e) protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty.

Serious injury generally includes injuries requiring medical attention. Examples of serious injury include, but are not limited to, such harm as:

- assault which, if more forceful or differently targeted, would result in substantial risk of death
- loss or impairment of the functioning of a body member or organ
- being stabbed
- being shot
- being rendered unconscious
- loss of life

Sexual Battery
Unlawful sexual contact with a victim accompanied by force or coercion, or without the victim's consent or with a person who is mentally incapacitated or physically helpless.

- Aggravated Sexual Battery (see also attached statutory definitions) is unlawful sexual contact with a victim by:
 - force or coercion; or
 - with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon; or
 - causes bodily injury to the victim; or
 - by more than one (1) person through use of force or coercion; or
 - by more than one (1) person who knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
 - the victim is less than thirteen (13) years of age.

Sexual Harassment (Student-to-Student)
Unwelcome actions which cause a reasonable person to feel uncomfortable or unsafe resulting in a learning environment which is offensive, hostile and/or intimidating.

Suspension
Prohibiting a student from attending school for a specified period of time.

Tardy
Tardy means arriving at school after the school day or a class has begun.

Theft
Intending to deprive an owner of his/her property by knowingly exercising control over the property without the owner's consent.

Threat
A pattern of conduct or statements expressing an intent to do harm or act violently against someone or something. (The principal will consult with the Safety Assessment Team to determine the seriousness of the threat. The Safety Assessment Team may be contacted at 901-416-6266.) (See also Bullying, Intimidation and Harassment.)

Trespass and Loitering
Students with an unauthorized absence from their home school and who are found present without permission at another school or on other MCS school property.

- Loitering is remaining in or around the school building without permission and staff supervision.

Truancy/Unlawful Absence
Being absent from school without permission.

Unauthorized/Inappropriate Use of the Internet, Computers or Computer Software

Any action that violates the Policy on Access to Telecommunications Networks (#4.406) or local, state and federal law. This includes using the Internet or e-mail for non-educational purposes, transmitting personally identifiable or personal contact information without authorization, using inappropriate language, and using the network to personally attack or harass another person.

Unauthorized Parking

Parking in an area or a space officially designated for another person or persons; parking in an illegal space, as designated by a school or government authority; or parking in an area not designated for students.

Unauthorized Possession or Use of Prescription Drugs

Possession or use of prescription drugs for which the student is not the named recipient of a bona fide prescription or for which school approval to carry or use the prescription has not been given. It also applies to any student who is selling or otherwise distributing his/her prescribed medication. [Memphis City Schools Policy/Regulations 6.405 states that students should be allowed to carry their own emergency medication (e.g., asthma inhalers and EpiPens®). However, this should be cleared with the school principal.]

Unsafe School Choice

Providing a student or the parent/guardian of a student who attends a persistently dangerous school or a student who has been the victim of a violent crime while at school with an opportunity to transfer to another school within the district that is safe for the student. (See Policy #6.3091—Unsafe School Choice.)

Use of Provocative Language

Obscene language, profanity, and/or inflammatory statements.

Vandalism

The intentional destruction, damage or defacement of property without consent of the owner or the person having custody or control of the property.

Weapon/Dangerous Weapon

Any dangerous instrument or substance which is capable of inflicting any injury on any person.

Zero Tolerance

Specific acts committed by students that require mandatory expulsion for one year under state law (e.g., possession of a firearm).

Reportable Criminal Offenses - Definitions

Violent criminal offenses as well as attempt to commit the criminal offenses is defined by TCA 40-38-111(g), TCA 39-12-101 and other applicable state law. Definitions below preceded by an asterisk are not identified under TCA 40-38-111(g) as violent crimes, but, is provided when necessary to accurately define another crime (for example, arson is not identified under state law as a violent crime, but aggravated arson is identified).

***39-12-101. Criminal attempt.**
(not considered a violent crime under TCA 40-38-111(g))

(a) A person commits criminal attempt who, acting with the kind of culpability otherwise required for the offense:
 (1) Intentionally engages in action or causes a result that would constitute an offense if the circumstances surrounding the conduct where as the person believes them to be;
 (2) Acts with intent to cause a result that is an element of the offense, and believes the conduct will cause the result without further conduct on the person's part; or
 (3) Acts with intent to complete a course of action or cause a result that would constitute the offense, under the circumstances surrounding the conduct as the person believes them to be, and the conduct constitutes a substantial step toward the commission of the offense.

(b) Conduct does not constitute a substantial step under subdivision (a)(3) unless the person's entire course of action is corroborative of the intent to commit the offense.

(c) It is no defense to prosecution for criminal attempt that the offense attempted was actually committed.

39-14-302. Aggravated arson.

(a) A person commits aggravated arson who commits arson as defined in *§39-14-301 or §39-14-303:
 (1) When one (1) or more persons are present therein; or
 (2) When any person, including firefighters and law enforcement officials, suffers serious bodily injury as a result of the fire or explosion.

(b) (1) Aggravated arson is a Class A felony. It is an enhancement factor by which the court the court may increase a defendant's sentence within the appropriate range that the damage or destruction was caused to a structure, whether temporary or permanent in nature, used as a place of worship.
 (2) As used in this subsection (b), "place of worship" means any structure that is
 (A) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to §67-5-212, based on ownership and use of the structure by a religious institution; and
 (B) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

***39-14-301. Arson. (not considered a violent crime under TCA 40-38-111(g)**

(a) A person commits an offense who knowingly damages any structure by means of a fire or explosion:
 (1) Without the consent of all persons who have a possessory, proprietary or security interest therein; or
 (2) With intent to destroy or damage any structure to collect insurance for the damage or destruction or for any unlawful purpose.

(b) (1) Arson is a Class C felony.
 (3) (A) Arson of a place of worship is a Class B felony.
 (B) As used in this subdivision (b)(2), "place of worship" means any structure that is:
 (i) Approved, or qualified to be approved, by the state board of equalization for property tax exemption pursuant to §67-5-212, based on ownership and use of the structure by a religious institution; and
 (ii) Utilized on a regular basis by such religious institution as the site of congregational services, rites or activities communally undertaken for the purpose of worship.

39-13-102. Aggravated assault.

(a) A person commits aggravated assault who:
 (1) Intentionally or knowingly commits an assault as defined in *§39-13-101 and:
 (A) Causes serious bodily injury to another; or
 (B) Uses or displays a deadly weapon; or
 (2) Recklessly commits an assault as defined in § 39-13-101(a)(1), and:
 (A) Causes serious bodily injury to another; or
 (B) Uses or displays a deadly weapon.

(b) A person commits aggravated assault who, being the parent or custodian of a child or the custodian of an adult, intentionally or knowingly fails or refuses to protect such child or adult from an aggravated assault as defined in subdivision (a)(1) or aggravated child abuse as defined in § 39-15-402.

(c) A person commits aggravated assault who, after having been enjoined or restrained by an order, diversion or probation agreement of a court of competent jurisdiction from in any way causing or attempting to cause bodily injury or in any way committing or attempting to commit an assault against an individual or individuals, intentionally or knowingly attempts to cause or causes bodily injury or commits or attempts to commit an assault against such individual or individuals.

(d) (1) Aggravated assault under subdivision (a)(1) or subsection (b) or (c) is a Class C felony. Aggravated assault under subdivision (a)(2) is a Class D felony. The court shall consider as an enhancement factor at the time of sentencing that the victim of the aggravated assault was a law enforcement officer, firefighter, correctional officer, youth services officer, probation and parole officer, or a state registered security officer/guard performing an official duty or an employee of the department of correction or the department of children's services; provided, that such officer or employee was performing an official duty. The court shall consider as an enhancement factor at the time of sentencing that the victim of the aggravated assault was an emergency medical or rescue worker, emergency

medical technician, or paramedic, whether compensated or acting as a volunteer; provided that such technician or worker was performing an official duty.

(2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(8), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars ($200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars ($200). Such additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the same to the general fund. All such fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.

***39-13-101. Assault. (not considered a violent crime under TCA 40-38-111(g))**

(a) A person commits assault who:
- (1) Intentionally, knowingly or recklessly causes bodily injury to another;
- (2) Intentionally or knowingly causes another reasonably fear imminent bodily injury; or
- (3) Intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.

(b) (1) Assault is a Class A misdemeanor unless the offense is committed under subdivision (a)(3), in which event assault is a Class B misdemeanor.

(2) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a victim as defined in § 36-3-601(8), and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars ($200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars ($200). Such additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the same to the general fund. All such fines so credited to the general fund shall be subject to appropriation by the general assembly for the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.

39-15-402. Aggravated child abuse and neglect.

(a) A person commits the offense of aggravated child abuse or aggravated child neglect who commits the offense of child abuse or neglect as defined in § 39-15-401 and:
- (1) The act of abuse or neglect results in serious bodily injury to the child; or
- (2) A deadly weapon is used to accomplish the act of abuse.

(b) A violation of this section is a Class B felony; provided, however, that, if the abused or neglected child is six (6) years of age or less, the penalty is a Class A felony.

(c) Nothing in this chapter shall be construed to mean a child is neglected, abused, or abused or neglected in an aggravated manner for the sole reason the child is being provided treatment by spiritual means through prayer alone in accordance with the tenets or practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment.

39-15-401. Child abuse and neglect. (not considered a violent crime under TCA 40-38-111(g))

(a) Any person who knowingly, other than by accidental means, treats a child under eighteen (18) years of age in such a manner as to inflict injury or neglects such a child so as to adversely affect the child's health and welfare commits a Class A misdemeanor; provided, however, that if the abused or neglected child is six (6) years of age or less, the penalty is a Class D felony.

(b) (1) Any juvenile court having reasonable cause to believe that a person is guilty of violating this section shall have the person brought before the court either by summons or warrant. No arrest warrant or summons shall be issued by any person authorized to issue such a warrant or summons nor shall criminal charges be instituted against a child's parent, guardian or custodian for a violation of subsection (a) based upon the allegation that unreasonable corporal punishment was administered to such child unless the affidavit of complaint also contains a copy of the report prepared by the law enforcement official who investigated the allegation or independent medical verification of injury to the child.

(2)(A) If the person pleads not guilty, the juvenile judge shall have the power of a judge of the court of general sessions to bind the person over to the grand jury as in cases of misdemeanors under the criminal laws of this state. Upon being bound over the grand jury, the person may be prosecuted on an indictment filed by the district attorney general and prosecutor need not be named on the indictment.

(B) On a plea of not guilty, the juvenile court judge shall have the power to proceed to hear a case on its merits without the intervention of a jury if the person requests a hearing in juvenile court and expressly waives, in writing, indictment, presentment, grand jury investigation and jury trial.

(C) If the person enters a plea of guilty, the juvenile court judge shall sentence the person under this section.

(c) Except as expressly provided, the provisions of this section shall not be construed as repealing and provision of any other statute, but shall be supplementary thereto and cumulative thereof.

(d) A violation of this section may be lesser included offense of any kind of homicide, statutory assault, or sexual offense if the victim is a child and the evidence supports a charge under this section. In any case in which conduct violating this section also constitutes assault, the conduct may be prosecuted under this section or under § 39-13-101.

39-13-304. Aggravated kidnapping.

(a) Aggravated kidnapping is false imprisonment, as defined in *§ 39-13-302, committed:
 (1) To facilitate the commission of any felony or flight thereafter;
 (2) To interfere with the performance of any governmental or political function;
 (3) With the intent to inflict serious bodily injury on or to terrorize the victim or another;
 (4) Where the victim suffers bodily injury; or
 (5) While the defendant is in possession of a deadly weapon or threatens the use of a deadly weapon.

(b) (1) Aggravated kidnapping is a Class B felony.
 (2) If the offender voluntarily releases the victim alive or voluntarily provides information leading to the victim's safe release, such actions shall be considered by the court as a mitigating factor at the time of sentencing.

***39-13-302. False imprisonment. (not considered a violent crime under TCA 40-38-111(g)**

(a) A person commits the offense of false imprisonment who knowingly removes or confines another unlawfully so as to interfere substantially with the other's liberty.

(b) False imprisonment is a Class A misdemeanor.

39-13-502. Aggravated rape.

(a) Aggravated rape is unlawful sexual penetration of a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
 (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
 (2) The defendant causes bodily injury to the victim;
 (3) The defendant is aided or abetted by one (1) or more other persons; and
 (A) Force or coercion is used to accomplish the act; or
 (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless.

(b) Aggravated rape is a Class A felony.

39-13-402. Aggravated robbery.

(a) Aggravated robbery is robbery as defined in *§ 39-13-401:
 (1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon; or
 (2) Where the victim suffers serious bodily injury.

(b) Aggravated robbery is a Class B felony.

***39-13-401. Robbery. (not considered a violent crime under TCA 40-38-111(g))**

(a) Robbery is the intentional or knowing theft of property from the person of another by violence or putting the person in fear.
(b) Robbery is a Class C felony.

39-13-504. Aggravated sexual battery.

(a) Aggravated sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
 (1) Force or coercion is used to accomplish the act and the defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim reasonably to believe it to be a weapon;
 (2) The defendant causes bodily injury to the victim;
 (3) The defendant is aided or abetted by one (1) or more other persons; and
 (A) Force or coercion is used to accomplish the act; or
 (B) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
 (4) The victim is less than thirteen (13) years of age.
(b) Aggravated sexual battery is a Class B felony.

39-13-507. Limited spousal exclusion.

(a) A person does not commit an offense under this part if the victim is the legal spouse of the perpetrator except as provided in subsections (b) and (c).
(b) (1) "Spouse rape" means the unlawful sexual penetration of one spouse by the other where:
 (A) The defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;
 (B) The defendant causes serious bodily injury to the victim; or
 (C) The spouses are living apart and one (1) of them has filed for separate maintenance or divorce.
 (2) (A) "Spousal rape," as defined in subdivision (b)(1)(A) or (B), is a Class C felony.(C) "Spousal rape," as defined in subdivision (b)(1)(C) shall be punished pursuant to § 39-13-502 or § 39-13-503.
(c) (1) "Aggravated spousal rape" is the unlawful sexual penetration of one spouse by the other where the defendant:
 (A) Knowingly engaged in conduct that was especially cruel, vile and inhumane to the victim during commission of the offense; and either;
 (B) Causes serious bodily injury to the victim; or
 (C) Is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
 (2) Aggravated spousal rape is a Class B felony.
(d) (1) "Spousal sexual battery" means the unlawful sexual contact by one (1) spouse of another where:
 (A) The defendant is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(B) The defendant causes serious bodily injury to the victim; or
(C) The spouses are living apart and one (1) of them has filed for separate maintenance or divorce.

(2) (A) "Spousal sexual battery," as defined in subdivision (c)(1)(A) or (B), is a Class D felony. (C) "Spousal sexual battery," as defined in subdivision (c)(1)(C) shall be punished pursuant to § 39-13-504 or § 39-13-505.

39-13-218. Aggravated vehicular homicide.

(a) Aggravated vehicular homicide is vehicular homicide, as defined in *§ 39-13-213(a)(2), where:
(1) The defendant has two (2) or more prior convictions for:
(A) Driving under the influence of an intoxicant;
(B) Vehicular assault; or
(C) Any combination of such offenses;
(2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide; or
(3) There was at the time of the offense twenty-hundredths of one percent (.20%), or more, by weight of alcohol in the defendant's blood and the defendant has one (1) prior conviction for:
(A) Driving under the influence of an intoxicant; or
(B) Vehicular assault.

(b) (1) As used in this section, unless the context otherwise requires, "prior conviction" means an offense for which the defendant was convicted prior to the commission of the instant vehicular homicide and includes convictions occurring prior to July 1, 1996.
(2) "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted one (1) of three (3) offenses enumerated in subdivision (a)(1) or (a)(2). In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as one (1) of the three (3) offenses enumerated in subdivision (a)(1) or (a)(2), the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if such offense constitutes on (1) of the prior convictions required by subsection (a).

(c) If the defendant is charged with aggravated vehicular homicide, the indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions. If the defendant is convicted of vehicular homicide under § 39-13-213(a)(2), the jury shall then separately consider whether the defendant has the requisite number and types of prior offenses and/or level of blood alcohol concentration necessary to constitute the offense of aggravated vehicular homicide. If the jury convicts the defendant of aggravated vehicular homicide, the court shall pronounce judgment and sentence the defendant from within the felony classification set out in subsection (d).

(d) Aggravated vehicular homicide is a Class A felony.

***39-13-213. Vehicular homicide. (not considered a violent crime under TCA 40-38-111(g)**

(a) Vehicular homicide is the reckless killing of another by the operation of an automobile, airplane, motorboat or other motor vehicle:

(1) As the proximate result of conduct creating a substantial risk of death or serious bodily injury to a person; or

(2) As the proximate result of the driver's intoxication as set forth in § 55-10-401. For the purposes of this section, "intoxication" includes alcohol intoxication as defined by § 55-10-408, drug intoxication, or both.

(b) Vehicular homicide is a Class C felony, unless it is the proximate result of driver intoxication as set forth in subdivision (a)(2), in which case it is a Class B felony.

(c) The court shall prohibit a defendant convicted of vehicular homicide from driving a vehicle in this state for a period of time not less than three (3) years nor more than ten (10) years.

39-13-404. Carjacking.

(a) "Carjacking" is the intentional or knowing taking of a motor vehicle from the possession of another by use of:

(1) A deadly weapon; or

(2) Force or intimidation.

(b) Carjacking is a Class B felony.

39-13-212. Criminally negligent homicide.

(a) Criminally negligent conduct which results in death constitutes criminally negligent homicide.

(b) Criminally negligent homicide is a Class E felony.

39-14-404. Especially aggravated burglary.

(a) Especially aggravated burglary is:

(1) Burglary of a habitation or building other than a habitation; and

(2) Where the victim suffers serious bodily injury.

(b) For the purposes of this section, "victim" means any person lawfully on the premises.

(c) Especially aggravated burglary is a Class B felony.

(d) Acts which constitute an offense under this section may be prosecuted under this section or any other applicable section, but not both.

39-13-305. Especially aggravated kidnapping.

(a) Especially aggravated kidnapping is false imprisonment, as defined in *§ 39-13-302:

(1) Accomplished with a deadly weapon or by display of any article used or fashioned to lead the victim to reasonably believe it to be a deadly weapon;
(2) Where the victim was under the age of thirteen (13) at the time of the removal or confinement;
(3) Committed to hold the victim for ransom or reward, or as a shield or hostage; or
(4) Where the victim suffers serious bodily injury.

(b) (1) Especially aggravated kidnapping is a Class A felony.

(2) If the offender voluntarily releases the victim alive or voluntarily provides information leading to the victim's safe release, such actions shall be considered by the court as a mitigating factor at the time of sentencing.

39-13-403. Especially aggravated robbery.

(a) Especially aggravated robbery is robbery as defined in *§ 39-13-401:
(1) Accomplished with a deadly weapon; and
(2) Where the victim suffers serious bodily injury.

(b) Especially aggravated robbery is a Class A felony.

39-13-202. First degree murder.

(a) First degree murder is:
(1) A premeditated and intentional killing of another;
(2) A killing of another committed in the perpetration of or attempt to perpetrate any first degree murder, act of terrorism, arson, rape, robbery, burglary, theft, kidnapping aggravated child abuse, aggravated child neglect or aircraft piracy; or
(3) A killing of another committed as the result of the unlawful throwing, placing or discharging of a destructive device or bomb.

(b) No culpable mental state is required for conviction under subdivision (a)(2) or (a)(3) except the intent to commit the enumerated offenses or acts in such subdivisions.

(c) A person convicted of first degree murder shall be punished by:
(1) Death;
(2) Imprisonment for life without possibility of parole; or
(3) Imprisonment for life.

(d) As used in subdivision (a)(1) "premeditation" is an act done after the exercise of reflection and judgment. "Premeditation" means that the intent to kill must have been formed prior to the act itself. It is not necessary that the purpose to kill pre-exist in the mind of the accused for any definite period of time. The mental state of the accused at the time the accused allegedly decided to kill must be carefully considered in order to determine whether the accused was sufficiently free from excitement and passion as to be capable of premeditation.

39-15-302. Incest.

(a) A person commits incest who engages in sexual penetration as defined in § 39-13-501, with a person, knowing such person to be, without regard to legitimacy:
 (1) The person's natural parent, child, grandparent, grandchild, uncle, aunt, nephew, niece, stepparent, stepchild, adoptive parent, adoptive child; or
 (2) The person's brother or sister of the whole or half-blood or by adoption.

(b) Incest is a Class C felony.

39-13-303. Kidnapping.

(a) Kidnapping is false imprisonment as defined in *§ 39-13-302:
 (1) Under circumstances exposing the other person to substantial risk of bodily injury; or
 (2) Where the confinement of another is in a condition of involuntary servitude.

(b) Kidnapping is a Class C felony.

39-13-503. Rape.

(a) Rape is unlawful sexual penetration of a victim by the defendant or of the defendant by a victim accompanied by any of the following circumstances:
 (1) Force or coercion is used to accomplish the act;
 (2) The sexual penetration is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the penetration that the victim did not consent;
 (3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
 (4) The sexual penetration is accomplished by fraud.

(b) Rape is a Class B felony.

(c) When imposing sentence under the provisions of title 40, chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

39-13-522. Rape of a child.

(a) Rape of a child is the unlawful sexual penetration of a victim by the defendant or the defendant by a victim, if such victim is less than thirteen (13) years of age.

(b) Rape of child is a Class A felony.

(c) When imposing sentence under the provisions of title 40, chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

39-13-215. Reckless homicide.

(a) Reckless homicide is a reckless killing of another.
(b) Reckless homicide is a Class D felony.

39-13-210. Second degree murder.

(1) A knowing killing of another; or
(2) A killing of another which results from the unlawful distribution of any Schedule I or Schedule II drug when such drug is the proximate cause of the death of the user.

(b) Second degree murder is a Class A felony.

39-13-527. Sexual battery by an authority figure.

(a) Sexual battery by an authority figure is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by the following circumstances:
(1) The victim was, at the time of the offense, thirteen (13) years of age or older but less than eighteen (18) years of age; and either
(A) The defendant had, at the time of the offense, supervisory or disciplinary power over the victim by virtue of the defendant's legal, professional or occupational status and used such power to accomplish the sexual contact; or
(B) The defendant had, at the time of the offense, parental or custodial authority over the victim and used such authority to accomplish the sexual contact

(b) Sexual battery by an authority figure is a Class C felony.

39-13-505. Sexual battery.

(a) Sexual battery is unlawful sexual contact with a victim by the defendant or the defendant by a victim accompanied by any of the following circumstances:
(1) Force or coercion is used to accomplish the act;
(2) The sexual contact is accomplished without the consent of the victim and the defendant knows or has reason to know at the time of the contact that the victim did not consent;
(3) The defendant knows or has reason to know that the victim is mentally defective, mentally incapacitated or physically helpless; or
(4) The sexual contact is accomplished by fraud.

(b) As used in this section, "coercion" means the threat of kidnapping, extortion, force or violence to be performed immediately or in the future.
(c) Sexual battery is a Class E felony.
(d) When imposing sentence under the provisions of title 40, chapter 35, for a conviction under this section, the court shall consider as an enhancement factor that the defendant caused the victim to be mentally incapacitated or physically helpless by use of a controlled substance.

39-17-315. Stalking.

(a) (1) A person commits the offense of stalking who intentionally and repeatedly follows or harasses another person in such a manner as would cause that person to be in reasonable fear of being assaulted, suffering bodily injury or death.

(2) As used in this section:

(A) "Follows" means maintaining a visual or physical proximity over a period of time to a specific person in such a manner as would cause a reasonable person to have a fear of an assault, bodily injury or death;

(B) "Harasses" means a course of conduct directed at a specific person which would cause a reasonable person to fear an assault, bodily injury, or death, including, but not limited to, verbal threats, written threats, vandalism, or unconsented-to physical contact; and

(C) "Repeatedly" means on two (2) or more separate occasions.

(b) (1) Stalking is a Class A misdemeanor.

(2) A second or subsequent violation of subsection (a) occurring within seven (7) years of the prior conviction is a Class E felony. A second or subsequent violation of subsection (a) involving the same victim and occurring within seven (7) years of the prior conviction is a Class C felony.

(c) The provisions of this section shall not be construed to prohibit following another person during the course of a lawful business activity.

39-13-506. Statutory rape.

(a) Statutory rape is sexual penetration of a victim by the defendant or of the defendant by the victim when the victim is at least thirteen (13) but less than eighteen (18) years of age and the defendant is at least four (4) years older than the victim.

(b) If the person accused of statutory rape is under eighteen (18) years of age, such a defendant shall be tried as a juvenile and shall not be transferred for trial as an adult.

(c) Statutory rape is a Class E felony.

39-13-106. Vehicular assault.

(a) A person commits vehicular assault who, as the proximate result of the person's intoxication as set forth in § 55-10-401, recklessly causes serious bodily injury to another person by the operation of a motor vehicle. For the purposes of this section, "intoxication" includes alcohol intoxication as defined by § 55-10-408, drug intoxication, or both.

(b) A violation of this section is a Class D felony.

(c) Upon the conviction of a person for the first offense of vehicular assault, the court shall prohibit such convicted person from driving a vehicle in this state for a period of one (1) year. For the second such conviction, the court shall prohibit such convicted person from driving a vehicle in this state for a period of two (2) years. For the third such conviction, the court shall prohibit such convicted person from driving a vehicle in this state for a period of three (3) years. For fourth and subsequent convictions, the court shall prohibit the person from driving a vehicle in this state for a period of five (5) years.

39-13-211. Voluntary manslaughter.

(a) Voluntary manslaughter is the intentional or knowing killing of another in a state of passion produced by adequate provocation sufficient to lead a reasonable person to act in an irrational manner.
(b) Voluntary manslaughter is a Class C felony.

Think about it…..

Learn To Solve Problems Peacefully

Disagreeing with other people is a normal part of life. We all have conflicts at some time, even with friends and other people we love. But conflicts don't have to turn into fights, especially violent ones.

Here are some rules for keeping conflicts from getting out of control:

- ✓ Stop before you act. Take a "time out" to think about how things got to the boiling point.
- ✓ Don't let your anger get the best of you. Anger is something you can control. You can learn ways to calm down—such as taking a deep breath or getting some exercise—that will help in getting your emotions back under control.
- ✓ Tell the other person what's bothering you. Sometimes fights are over misunderstandings.
- ✓ Listen to the other person and try to understand how the other person is feeling.
- ✓ Don't engage in name-calling or insults.
- ✓ Don't yell or raise your voice.
- ✓ Look for a compromise. Name the problem, think of different ways to solve it, and then choose a win-win plan that meets some of everyone's needs.

Violence is a choice. If you need help managing your anger, ask your teacher or a counselor for help.

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This publication summarizes a number of expectations, responsibilities, policies and practices that are important to Memphis City Schools students and their parents/guardians. It is not intended to be a complete directory of all policies and regulations relating to student behavior.
Federal and state laws and MCS policies, regulations and practices are subject to change. To review current Memphis City Schools policies and administrative rules, visit the MCS Web site at www.mcsk12.net. Questions regarding the Code of Conduct should be directed to the Department of Policy and Legislative Planning.

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